

# **FUNDAMENTALS OF TRIAL ADVOCACY COURSE**

October 5 – 8, 2020  
Phoenix, Arizona



## **CASE ANALYSIS**

Presented by:

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL  
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Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ  
EXECUTIVE DIRECTOR

# CASE ANALYSIS

KNOWING YOUR CASE  
FROM THE INSIDE OUT

Angela Andrews  
Deputy Maricopa County Attorney

# Mindset

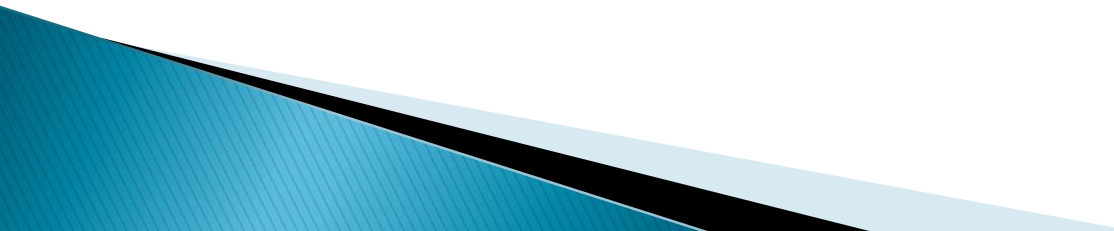
► What is your goal?

- **Get the Bad Guy / Girl**
  - **Find the Truth**
  - **Do Justice**
- 

# Mindset

- ▶ **What are potential barriers?**
  - **Workload**
  - **Training Issues**
  - **Bias**
  - **Others?**

# Reviewing the Case

- ▶ *Read / Review EVERYTHING:*
  - ▶ Reports
  - ▶ Audio / Video Recordings
  - ▶ Photographs
  - ▶ Witness Statements
  - ▶ Probable Cause / Booking paperwork
  - ▶ Face Sheets
- 

<p><input type="checkbox"/> YRDE VALLEY JUSTICE COURT - 928-339-5120 1200 N. 1st St. Phoenix, AZ 85002</p> <p><input type="checkbox"/> COTTONWOOD MUNICIPAL COURT - 928-634-7537 100 N. Main Street, Cottonwood, AZ 86302</p> <p><input type="checkbox"/> SEDONA MUNICIPAL COURT - 928-282-1122 102 Hadroner Drive, Sedona, AZ 86305</p> <p><input type="checkbox"/> CHANDLER MAGISTRATE COURT - 480-944-1841 4500 N. 1st Street, Chandler, AZ 85226</p> <p><input type="checkbox"/> GILBERT MAGISTRATE COURT - 480-834-7542 3000 U.S. Highway 101, Gilbert, AZ 85234</p> <p><input type="checkbox"/> CAMPESTRE MUNICIPAL COURT - 928-667-6632 478 South Karlov Street, Camp Verde, AZ 86021</p> <p><input type="checkbox"/> MOUNTAIN JUSTICE COURT - 928-832-7342 2800 Central Expressway, Cave Creek, AZ 85329</p>	<p><input type="checkbox"/> GILBERT MAGISTRATE COURT - 928-432-0088 12400 Central Avenue, Mesa, AZ 85139</p> <p><input type="checkbox"/> PRESCOTT JUSTICE/CITY COURT - 928-733-3333 10000 Country Club Drive, Prescott, AZ 86301</p> <p><input type="checkbox"/> PRESCOTT VALLEY MAGISTRATE COURT - 928-772-6277 150 East Grand Circle, Prescott Valley, AZ 86301</p> <p><input type="checkbox"/> CHINO VALLEY MUNICIPAL COURT - 928-536-4534 1982 North Road Drive West, Chino Valley, AZ 86329</p> <p><input type="checkbox"/> BAGDAD JUSTICE COURT - 928-811-2141 100 Main Street, Bagdad, AZ 86302</p> <p><input type="checkbox"/> YARNALL JUSTICE COURT - 928-827-3333 22291 Leavensworth, Yarnall, AZ 85562</p> <p><input type="checkbox"/> SHELIGMAN JUSTICE COURT - 928-822-2227 200 North 1st Street, Sheligman, AZ 86338</p>
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STATE OF ARIZONA	CASE NO. [REDACTED]	RELEASE QUESTIONNAIRE
vs. <u>Sara S. Sueda</u>	Defendant	Part B
	BOOKING NO. [REDACTED]	

INFORMATION TO BE COMPLETED BY THE DEFENDANT OR BY THE MAGISTRATE - Instructions to the Defendant: The answers you give to the following questions will be used by the Court to determine the conditions of your release at this time. You are not required to answer any question if you feel the answer might be harmful to you. Your answers will be checked against the information supplied by the police, and with the references you give on the form. Any discrepancies may result in higher bail or harsher conditions of release. Any information you give may be used against you in this or any other matter.

G E N E R A L	1. Full Name: <u>Sara S. Sueda</u>	Date of Birth: <u>12/1/1972</u>
	2. Sex: <input type="checkbox"/> M <input type="checkbox"/> F Race: <u>Hispanic</u> Age: <u>23</u> Place of Birth: <u>Chihuahua, Mexico</u> State: <u>TX</u>	
	3. Present Citizenship: <u>United States</u> If not a U.S. citizen, how long have you been in this country? <u>1 year</u>	
	4. Present residence address: <u>1801 N. 1st St. Phoenix, AZ 85002</u>	
F A M I L Y	5. Length of time at present residence: <u>1 day</u> Where else have you lived in the past year and for how long? <u>None</u>	
	6. Current mailing address: <u>1801 N. 1st St. Phoenix, AZ 85002</u> Phone: <u>(602) 258-1111</u>	
	7. Are you married? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are you living with your spouse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	8. How many other persons (including your children) are living with you? <u>None</u>	
W O R K	9. How much do you contribute to their support? <u>\$0</u>	
	10. Do you have regular contact with any other relatives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list the names and your relationship: <u>None</u>	
	11. Are you employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If not, what is your main source of income? <u>Nothing</u>	
	12. Employer's name: <u>None</u> Employer's address: <u>None</u> What is the nature of your job? <u>None</u>	
R E C O R D	13. Do you have any previous criminal convictions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain: <u>None</u>	
	14. Have you ever been arrested and released on bail (or other conditions) pending trial? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	15. Did you ever fail to appear as required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: <u>Yes, see above</u>	

21. Are there any other matters (such as your physical or mental health, use of any mind-altering substance, or illness in family) which you feel the Court should consider in making its decision? ☒ Yes ☐ No If yes, explain:

I'm crazy as batshit and should enjoy it

22. Is there any friend, relative, neighbor, minister, or other person who can be called as a reference for this information?

☐ Yes ☒ No If yes: (Name & Phone)

See above for people

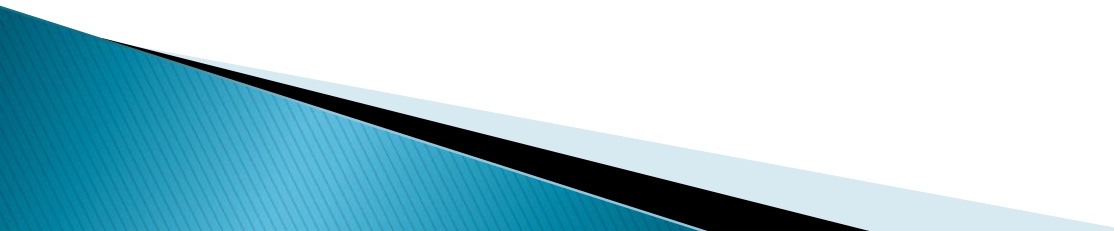
7/17/13 10

10/1/13 10

# Evaluating Your Case

- Can you prove your case beyond a reasonable doubt with the evidence you have?
  - ID?
  - Corroboration?
  - Physical evidence?
- If not, can the officer/deputy do follow up investigation?
- Can you do additional follow up?
  - Should you?

# Evaluating Your Case

- Are your witnesses available? Are they cooperative?
    - If not can you prove your case without some witnesses?
    - What about your victim?
  - Is your case contingent on lab analysis? Expert witness?
  - Prior convictions?
- 



# Evaluating Your Case

- Is case charged properly?
  - Date of offense
  - Name of victim/victims
  - Elements including definitions
  - Enhancements

If not what is the remedy?

Move to amend?

Dismiss and Refile/Refile and Dismiss




# Evaluating Your Case

- What are the defenses?
  - Can you rebut them?
- Are there suppression issues?
  - If so what evidence is still admissible?
- Is there missing evidence?
  - *Willits* instruction
    - If you find that the State has lost, destroyed, or failed to preserve evidence whose contents or quality are important to the issues in this case, then you should weigh the explanation, if any, given for the loss or unavailability of the evidence. If you find that any such explanation is inadequate, then you may draw an inference unfavorable to the State, which in itself may create a reasonable doubt as to the defendant's guilt. *State v. Willits*, 96 Ariz. 184, 187, 393 P.2d 274, 277-78 (1964);

**Talk to  
the defense  
attorney.**



# What Now?

- Offer a plea agreement
  - Dismiss/continue pending further investigation
  - Dismiss because insufficient evidence?/No Reasonable Likelihood of Conviction at Trial
  - Set matter for trial
- 

# Prosecution Standard

- ▶ State v. Gomez, 212 Ariz. 55, 59, 127 P.3d 873, 877 (2006) (“Indictments can be dismissed for various reasons, including a prosecutor's determination that the person charged did not in fact commit the crime or—as this case illustrates—that there is no reasonable likelihood of conviction”).
- ▶ See Kenneth J. Melilli, Prosecutorial Discretion in an Adversary System, 1992 BYU L. Rev. 669, 684 (1992) (“[V]irtually all prosecutors require, at least at the time of trial, that the government's case present a reasonable likelihood of conviction.”).

# Pretrial Motions

- *Defensive Pleadings*
  - Suppression
  - Remand
  - Dismiss
  - Motion in Limine
  - Notice of a specific issue or action



You have the right to remain silent.  
Anything either of us says or does will  
be posted on YouTube within the hour.



# Pretrial Motions

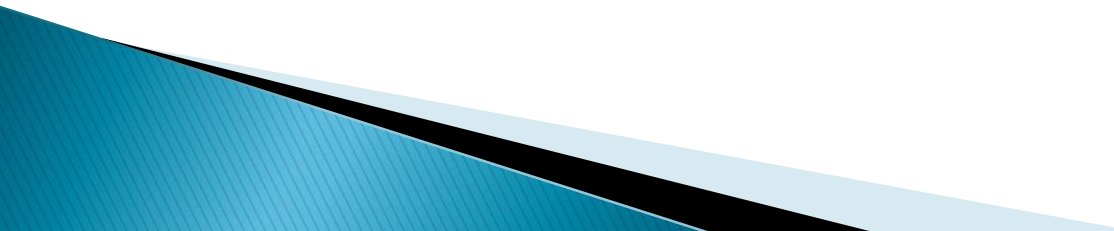
- *Offensive Pleadings*
- Notice pleading:  
Allegations of priors / on probation / on release, etc.
- Motions in Limine
- Notice of a specific issue or action



# Pretrial Motions

- Don't reinvent the wheel
  - Office motion bank / library
  - APAAC [www.apaacaz.gov](http://www.apaacaz.gov)
  - NDAA [www.ndaa.org](http://www.ndaa.org)
  - Prosecutor's Encyclopedia  
[www.nypti.org](http://www.nypti.org)


# Pretrial Interviews

- Who attends?
  - How recorded?
  - Prepping for an IV
  - Objections during interviews
  - Problems/ Issues during interviews
  - Evidence viewing
- 

<https://www.youtube.com/watch?v=RjtnRmy0H-U>



# Trial Preparation

- Proposed Jury Instructions
  - Proposed voir dire
  - Final Witness / Exhibit Lists
  - Review Juror List, if available
  - Confirm subpoenas
  - Prepare trial notebook
  - Visual Aids
  - Prepare witness outlines
- 

## Witness Outlines

- Prepare ahead
- Cover elements of offense (s)
- Find what works for you
- Don't reinvent the wheel.

### INTERVIEW

*Q) Did you further interview the defendant? What did he tell you?*

### OUTLINE

#### 1) Interview of Defendant

- a) He smoked meth with the clear glass pipe – 2 days earlier
- b) Smoked MJ that morning – “wake and bake”
- c) Didn't know the guy he bought the meth from in Cottonwood
- d) buys in bulk to save \$\$
- e) Addiction to meth
- f) meth will last a few mo.
- g) paid 1200 to 1500 / oz.

## Witness Outlines

Note when/how you will admit exhibits.

Note relevant points in transcripts or recordings that you may want/need to use.

*Q)Did he claim ownership of any of the items?*

### *OUTLINE*

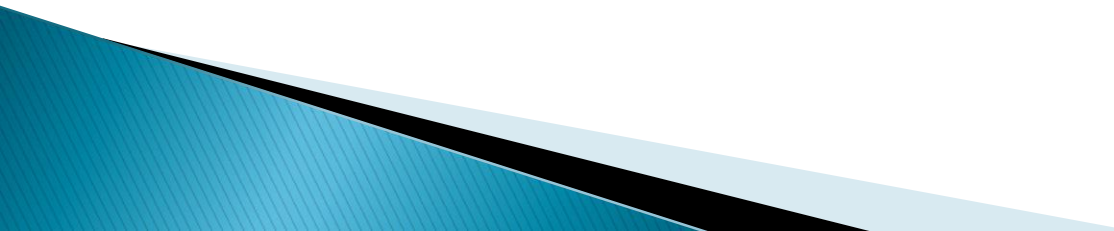
#### *1)D's claimed ownership*

- ▶ a) clear glass pipe with residue (9a) photo is #9
- ▶ b) blue glass pipe with green residue (10a) photo is #10
- ▶ c) "Red Glass" cigarette papers
- ▶ d) "blueberry skunk" papers
- ▶ d) clear bag with green leafy substance (13a) (photo is #13)
- ▶ \*\* Recording (#22 at 25:40)

# Theme


- ▶ **Do you need one?**

# Theme


- Provide framework for jurors to follow
  - Allows jurors to see facts from State's perspective
  - Should be simple
  - Doesn't have to be clever
- 



# Presentation

- Evidence
    - Photos
    - Weapons
    - Drugs
    - Documents
    - 911 calls
    - Jail calls
    - Other Physical Items
- 

# Presentation

- Different learners / different impact
  - Pay attention to juror limitations
  - Consider courtroom limitations
  - Consider filing notices to court and defense regarding specific evidence
- 

# After Trial

- Debrief
- Evaluate
- Follow-up
- Prepare for next time!